

REMARKS

Reconsideration of this application is requested.

The claims have been amended to improve the definition of the applicant's invention. More specifically, claims 1 to 4 have been amended to specify that R¹ and R² are H or methyl. See page 3, lines 26-27 and 33 and page 4, line 6 for support for this amendment.

Claims 14 and 30 have been amended to delete unnecessary matter which was not intended to be included in these claims.

Claim 33 has been amended for consistency with claims 25 and 26.

Claims 25, 26 and 27 have been amended in the same way as claims 1-4. Additionally, these claims have been amended to include the feature of canceled claim 34.

Claim 3 has been amended to obviate the Examiner's objection thereto.

Additionally, claims 2 and 26 have been amended as the Examiner kindly suggested to obviate the Section 112, 2nd ¶ rejection thereof.

The Examiner is requested to reconsider and withdraw the provisional double-patenting rejection based on copending Appln. No. 10/564,958 in view of the Terminal Disclaimer attached hereto.

The Examiner is also requested to reconsider the Section 102(b) rejection of claims 1, 5-13, 17, 18, 20-22, 25, 29, 33, 35 and 38 as anticipated by Reddig (U.S. 5,709,717). The reference does not disclose the invention claimed by the applicant. More specifically, the applicant claims a composition comprising a major dye component which is a mixture of phthalocyanine dyes of Formula (1) wherein the substituents are only at the β -position of the phthalocyanine ring.

Reddig et al. only teach compositions comprising phthalocyanines made by sulfonation of the phthalocyanine ring system. This process results in a highly complex mixture that comprises a large number of diverse species. Thus, direct sulfonation of the phthalocyanine ring results in phthalocyanines bearing between 1 to 4 substituents where the substituents can be in either the α - or β -position (see page 2 of the applicant's specification, lines 19 to 23). In such a system, those phthalocyanine compounds with 4 substituents only in the β -position will be a minor component, probably representing at most only one or two percent of the total weight of dye.

In support of the foregoing, the Examiner is referred to the art cited on page 2, lines 22 to 23 of the applicant's specification (Schofield, J. and Asaf, M.; *Journal of Chromatography*, 770:345-348, 1997, copy included in applicant's IDS, filed herewith). This art compares the capillary electrophoresis profile of sulfo-phthalocyanines prepared by condensation of 4-sulpho-phthalic acid with those prepared by direct sulfonation (the first step in the preparation of all the compounds in the art cited by the Examiner and the step which determines the number and position of the substituents). Those samples prepared by condensation of 4-sulpho-phthalic acid gave characteristic peaks at an analysis time of 20 to 22 minutes (see page 347, last ¶ in Col. 1, 1st ¶ in Col. 2). These peaks were either not present or very small in samples prepared by direct sulfonation (see page 347, 2nd ¶ in Col. 2). The applicant considers that this is consistent with the contention above that phthalocyanines bearing 4 β -substituents are a minor component when direct sulfonation is used to prepare sulfonated phthalocyanines and further reaction products thereof.

The applicant, therefore, submits that Reddig does not anticipate the applicant's invention as defined by the rejected claims. Accordingly, withdrawal of the rejection is requested.

The applicant also requests reconsideration of the Section 103(a) rejection of claims 1, 4-16 and 19-24 based on EP 1239010. The reference does not make the applicant's invention, as defined by the rejected claims, obvious.

As the Examiner will know, ink-jet printing is increasingly being used in place of silver halide photography as a means of providing photographic prints. The one area where ink-jet prints often fall short versus silver halide prints is in their long-term stability. Thus, ink-jet prints often fade or display changes in shade on exposure to light. Ink-jet prints also fade and change shade in the dark due to the presence of atmospheric ozone.

The present application is concerned with providing dyes and inks which when printed display improved ozone fastness. The applicant has discovered that certain phthalocyanines bearing 4 substituents only in the β -position unexpectedly display significantly improved light and ozone fastness when compared with phthalocyanines as normally used in ink-jet printing which comprise a complex mixture with substituents present in both the α - and the β -positions.

This advantage is clearly illustrated in the present application in the tables on page 19 and, especially, page 20 where the improved light fastness and ozone fastness of prints made by and with processes, inks and compounds according to the present invention is clearly

illustrated. In particular, the Examiner should note that Comparative Dye 2 which was used to make Comparative Ink 2, as used in the Tables on pages 19 and 20 of the present application, is identical to Example 1 of EP 1239010.

Ozone fastness is not mentioned in EP 1239010 as being a problem. Thus, it is not at all likely that a person of ordinary skill looking to improve the ozone fastness of ink-jet prints would be motivated to consider this reference. Furthermore, even if a person of ordinary skill did consult EP 1239010, there is nothing therein to suggest that selecting a minor component from the mixture of dyes of the type described in EP 1239010, i.e. bearing 4 substituents only in the β -position, would result in the improved ozone and light fastness discovered by the applicant.

Thus, in short, there is nothing in EP 1239010 suggestive of the applicant's invention not anything that would motivate a person of ordinary skill to arrive at the present invention.

In view of the foregoing, it is submitted that the Examiner's Section 103(a) rejection should be withdrawn. Such action is requested.

For the reasons noted, the Examiner is requested to reconsider and allow this application. In this regard, the Examiner's attention is called to the attached IDS submitting art which has come to the applicant's attention. The applicant considers that this art is not in any sense suggestive of the applicant's invention. However, the Examiner is requested to consider the same in the further examination of the present case.

Favorable action is requested.

Respectfully submitted,

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